IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 1953 of 2004

PUKH RAJ
V/S
SMT.PREMLATA & ANR

Mr. PS RATHORE, for the appellant / petitioner

Date of Order : 3.1.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant.

The only point argued is that the learned Tribunal was in error in directing that the insurance company would be entitled to recover back the amount from the appellant. A look at the finding recorded by the learned trial Court on issue no.4 shows that it has clearly been found that at the relevant time, the driver was not holding any valid driving licence, inasmuch as, the licence earlier granted expired on 16.11.95, and the renewal was effected on 31.5.96, while accident occurred on 10.4.96. The learned Tribunal on these facts has found that in view of the judgments of Hon'ble the Supreme Court in Geeta Devi's case, and Swarn Singh's case, the insurer is liable to make payment of compensation to the claimants, but then, it is entitled to recover back the amount from the owner on account of breach of policy conditions. Learned counsel for the appellant has not been able to show, as to how the findings recorded by the learned trial Court are wrong, or are vitiated on any ground whatever.

The appeal thus, has no force, and is hereby dismissed summarily.

(N P GUPTA),J.

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